

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
08 OCT -1 PM 2: 07

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
PETER LAMERS, )  
a/k/a James Robert Rice, )  
a/ka Donald V. Lane, )  
a/k/a Timothy R. Lowe, )  
a/k/a Stuart P. Sims, )  
Defendant. )

8:08CR215

OFFICE OF THE CLERK

**PLEA AGREEMENT**

The United States of America and Defendant, PETER LAMERS, a/k/a James Robert Rice, a/ka Donald V. Lane, a/k/a Timothy R. Lowe, a/k/a Stuart P. Sims, agree to the following:

**NATURE OF CRIME AND PENALTIES**

1. The Defendant will plead guilty to Count I of the Indictment. Count I charges a violation of Title 18, United States Code, Section 1341, that is, Mail Fraud. The Defendant understands that by entering this plea of guilty as to Count I, the Defendant is exposed to imprisonment of up to <sup>20</sup>~~8~~ years, a fine of up to \$250,000, both such fine and imprisonment, a term of supervised release of not more than 3 years, and a \$100 special assessment.

2. In exchange for the Defendant's plea of guilty as indicated above, the United States agrees as follows:

a. If the Defendant is found to be entitled to an offense level reduction under U.S.S.G. § 3E1.1(a) for acceptance of responsibility, and if that paragraph otherwise applies, the United States hereby moves that the Court reduce the Defendant's offense level by one additional level, pursuant to U.S.S.G. § 3E1.1(b).

b. Nothing which the Defendant says pursuant to this agreement may be used against the Defendant, so long as the Defendant abides by all of the terms of this agreement. The United States may, however, make derivative use of and may pursue any investigative leads suggested by any statements made by or other information provided by the Defendant.

### **COOPERATION PROVISIONS**

3. Cooperation by the Defendant with the United States is not anticipated by this agreement, and the Defendant understands that a different document would have to be signed should both parties desire the Defendant to cooperate in the future.

### **BREACH OF AGREEMENT**

Should it be concluded by the United States that the Defendant has violated this plea agreement, the Defendant understands and agrees the Defendant shall then be subject to prosecution for any federal, state, or local criminal violation and any crime(s) which this agreement otherwise anticipated would be dismissed or not prosecuted. Any such prosecution(s) may be premised upon any information, statement, or testimony provided by the Defendant. Any statement or other information provided by the Defendant may be used against the Defendant in the event of the Defendant's breach of this agreement. By signing this agreement, the Defendant expressly waives the Defendant's objection to the use of any such statements, testimony, or other information to which the Defendant may otherwise be entitled to object in any federal prosecution.

In the event the Defendant violates any term or condition of this agreement, the Defendant shall not, because of such violation of this agreement, be allowed to withdraw the Defendant's plea of guilty.

## **SENTENCING ISSUES**

4. Unless otherwise stated, all agreements as to Sentencing Issues are made pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

a. The government submits that for Guideline purposes, the amount of loss is approximately \$700,000. The Defendant reserves the right to contest this amount at the time of sentencing.

b. The government submits that U.S.S.G. § 2B1.1(b)(2)(C) applies because the offense involved 250 or more victims. The Defendant reserves the right to contest the application of this Guideline at the time of sentencing.

c. The government submits that U.S.S.G. § 2B1.1(b)(9)(A) applies because the Defendant relocated or participated in relocating, a fraudulent scheme to another jurisdiction to evade law enforcement or regulatory officials. The Defendant reserves the right to contest the application of this Guideline at the time of sentencing.

d. The government submits that the amount of restitution due and owing to approximately 20,000 victims of Defendant's fraudulent scheme is approximately \$700,000. The Defendant reserves the right to contest this amount at the time of sentencing.

e. The government will recommend the low end of the Guideline Range the Defendant finds himself after all factors are considered by the United States Probation Office and the Court.

f. The United States will dismiss Counts II-XIII at the time of sentencing.

## **SCOPE OF THE AGREEMENT AND OTHER PROVISIONS**

5. This agreement is limited to the United States Attorney's Office for the District of Nebraska, and does not bind any other federal, state or local prosecuting authorities.

6. By signing this agreement, the Defendant agrees that the time between the date the Defendant signs this agreement and the date of the guilty plea will be excluded under the Speedy Trial Act. The Defendant stipulates that such period of delay is necessary in order for the Defendant to have opportunity to enter the anticipated plea of guilty, and that the ends of justice served by such period of delay outweigh the best interest of the Defendant and the public in a speedy trial.
7. The Defendant agrees that all information known by the office of United States Pretrial Services may be used by the Probation Office in submitting its pre-sentence report, and may be disclosed to the Court for purposes of sentencing.
8. The United States may use against the Defendant any disclosure(s) the Defendant has made pursuant to this agreement in any civil proceeding. Nothing contained in this agreement shall in any manner limit the Defendant's civil liability which may otherwise be found to exist, or in any manner limit or prevent the United States from pursuing any applicable civil remedy, including but not limited to remedies regarding asset forfeiture and/or taxation.
9. Pursuant to 18 U.S.C. § 3013, the Defendant will pay to the Clerk of the District Court the mandatory special assessment of \$100.00 for each felony count to which the Defendant pleads guilty. The Defendant will make this payment at or before the time of sentencing.
10. By signing this agreement, the Defendant waives the right to withdraw the Defendant's plea of guilty pursuant to Federal Rule of Criminal Procedure 11(d).
11. This agreement ends all plea discussions. No promises, agreements or conditions have been entered into other than those set forth in this agreement, and none will be entered into unless in writing and signed by all parties.

12. This agreement may be withdrawn by the United States at any time prior to its being signed by all parties.

UNITED STATES OF AMERICA

JOE W. STECHER  
United States Attorney  
District of Nebraska

Date

10/1/08

RUSSELL X. MAYER  
Assistant United States Attorney

Date

9/17/08

PETER LAMERS

a/k/a James Robert Rice,  
a/ka Donald V. Lane,  
a/k/a Timothy R. Lowe,  
a/k/a Stuart P. Sims,  
Defendant

Date

9-17-08

JEFFREY L. THOMAS  
Attorney for Defendant